

EXHIBIT C

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50-h HEARING
-----X
In the Matter of the Claim of
XIAMIN ZENG,
CLAIMANT,
-against-
THE CITY OF NEW YORK,
RESPONDENT.
-----X
Claim No.: 2018PI035819

DATE: February 27, 2019
TIME: 10:50 a.m.

50-h Hearing of XIAMIN ZENG, the
Claimant in the above-entitled matter,
pursuant to Statute, held at the offices of
Jeffrey Samel & Partners, 150 Broadway,
16th Floor, New York, New York 10038,
before Gloria Anselm, a Notary Public of
the State of New York.

1

2 A P P E A R A N C E S:

3

4 JAMES MEYERSON, ESQ.
Attorney for the Claimant
5 XIAMIN ZENG
119 West 40th Street
6 New York, New York 10018
BY: JAMES MEYERSON, ESQ.

7

8

9 JEFFREY SAMEL & PARTNERS, ESQS.
Attorneys for Respondent
10 THE CITY OF NEW YORK
150 Broadway, 16th Floor
11 New York, New York 10038
BY: CHRISTOPHER CORNISH, ESQ.
12 Claim No.: 2018PI035819

13

14

ALSO PRESENT:

15

KATIE WONG
16 Mandarin Interpreter
Legal Interpreting Services

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1 ZENG

2 K A T I E W O N G, a Mandarin interpreter,
3 solemnly swore to translate the following
4 questions from English to Mandarin and
5 answers from Mandarin to English:

6

7 X I A M I N Z E N G, called as a witness,
8 having been first duly sworn, through an
9 interpreter, by a Notary Public of the
10 State of New York, was examined and
11 testified as follows:

12 EXAMINATION BY

13 MR. CORNISH:

14 Q. Please state your name for the
15 record.

16 A. Xiamin Zeng.

17 Q. Where do you reside?

18 A. 110 Columbia Street, Apartment
19 1A, New York, New York 10002.

20 Q. Good morning, Ms. Zeng.

21 A. Good morning.

22 Q. My name is Christopher Cornish
23 and I will be asking you some questions. I
24 would ask that if you would always listen
25 to the question before answering and if you

1 ZENG

2 will always answer verbally so your answers
3 can be transcribed.

4 A. Okay.

5 Q. And if there is any question
6 you don't understand, just tell me and I
7 will try to rephrase it, because if you
8 answer the question I'm going to assume you
9 understood the question.

10 A. Yes.

11 Q. Do you speak or understand any
12 English?

13 A. A little bit.

14 Q. I am going to begin by asking
15 for your date of birth off the record and
16 only the year will be on the record, but I
17 need your full date of birth.

18 MR. CORNISH: Off the record.

19 (Whereupon, an off-the-record
20 discussion was held.)

21 MR. CORNISH: We have confirmed
22 a date of birth with the year 1981.

23 Q. Where were you born?

24 A. China.

25 Q. What is your present status?

1 ZENG

2 Citizen or something else?

3 A. I hold a permanent resident.

4 Q. Do you have a Social Security
5 number?

6 A. Yes.

7 Q. I am going to go off the record
8 for your Social Security number. Only the
9 last four digits will be in the transcript.

10 MR. CORNISH: Off the record.

11 (Whereupon, an off-the-record
12 discussion was held.)

13 MR. CORNISH: We have confirmed
14 a Social Security number with the
15 last four digits 9901.

16 Q. How tall are you?

17 A. Five-four.

18 Q. And how much do you currently
19 weigh?

20 A. One hundred twenty-nine pounds.

21 Q. Was that your approximate
22 weight in January of last year?

23 A. Maybe a little bit different.

24 Q. Are you left or right-handed?

25 A. Right-handed.

1 ZENG

2 Q. What is your marital status?

3 A. I am single.

4 Q. Do you have any children?

5 A. Yes.

6 Q. What are their names and ages?

7 A. I have one son, he is six and a
8 half years old.

9 Q. What is his name?

10 A. L.L.

11 MR. CORNISH: Instructions to
12 the court reporter, only refer to the
13 child on the record by initials.

14 Q. The address that you gave, how
15 long have you lived there?

16 A. A little more than four years.

17 Q. In January of last year, 2018,
18 besides yourself, who else were you living
19 with at that location?

20 A. My son and my mother.

21 Q. What is your mother's name?

22 A. G-U-O-J-U-A-M Zeng.

23 Q. Are you currently employed?

24 A. No.

25 Q. In January of last year, 2018,

1 ZENG

2 were you employed at that time?

3 A. No.

4 Q. Now, in January of last year,
5 2018, were you involved in an incident
6 where you were place under arrest?

7 A. Yes.

8 Q. What was the date that you were
9 arrested?

10 A. On January 31, 2018, and I am
11 in custody until February 1, 2018.

12 Q. On the day that you were
13 arrested, where were you when you were
14 first approached by any police officer?
15 What is the location?

16 A. In Queens Boulevard Child Abuse
17 Squad.

18 Q. And how did you go to that
19 location? Were you there when the squad
20 arrived or were you there for some other
21 reason?

22 A. A detective squad, F-E-B-U-S,
23 he called and text message my phone saying
24 my child was under investigation and they
25 asked me to go and pick up the child.

1 ZENG

2 Q. Why was your child at that
3 location on Queens Boulevard on that day?
4 Was your son in school or some other
5 reason?

6 A. The detective text message me,
7 they brought the child from the school to
8 the squad.

9 Q. And what school was he
10 attending?

11 A. P.S. 110.

12 Q. Where is P.S. 110 located?

13 A. 287 Delancey Street.

14 Q. How did your son go to school
15 that morning? Did you take him or
16 something else?

17 A. I brought my child there.

18 Q. And when you went to Queens
19 Boulevard, did you go with anyone else?

20 A. I went by myself.

21 Q. How did you go to Queens
22 Boulevard?

23 A. I took subway.

24 Q. When you arrived at that
25 location where the squad was, about what

1 ZENG

2 time was that?

3 A. It was about 11:00 something,
4 about noon time.

5 Q. And just so I am clear, at that
6 location, is that the building that you
7 went into or something else?

8 A. It's one story building with a
9 basement.

10 Q. When you went into the
11 building, what is the first thing that
12 happened at that location?

13 A. When I went in they made me
14 stay in one room. They locked me up in one
15 room.

16 Q. When they brought you into the
17 room, who did that? Were those police
18 officers or something else?

19 A. I went in and a male police
20 officer locked me up into the room and I
21 don't know his name.

22 Q. Were you able to communicate
23 with the officers when you first entered
24 the building?

25 A. When I went in I said that I

1 ZENG

2 have to see Detective Febus and I need to
3 pick up my child.

4 Q. And in response, was that when
5 they put you into the locked room?

6 A. He said that I should go into
7 the room and wait.

8 Q. And after you went into the
9 room, at some point, did anyone else come
10 into the room to speak with you?

11 A. Several hours later someone
12 come in.

13 Q. And what did that person do?

14 A. Detective Febus and Mr. Diego
15 came from the ACS, went into the room, last
16 name S-A-N-D-E-R-I-Z-E-N, something like
17 that, with a translator.

18 Q. And the last person you
19 mentioned was someone from ACS, the
20 Administration for Children Services?

21 A. The title of Diego is child
22 protection specialist.

23 Q. Did you then have a
24 conversation with those people?

25 A. Yes.

1 ZENG

2 Q. What was the substance of that
3 conversation? What did they say to you and
4 you say to them?

5 A. I said I want to see my child
6 and they won't allow it and they keep
7 questioning me why do you sue ACS and who
8 is your lawyer. Who is backing you up in
9 suing ACS.

10 Q. Had you brought some action
11 against ACS before this incident?

12 A. Yes.

13 Q. What was the underlining claim
14 in that action that you brought?

15 A. I am suing the ACS of
16 negligence, because it was with my child,
17 with the father and supervision of ACS and
18 my child was placed alone with the father
19 and was bitten by the father in the room
20 and I went to the emergency room with my
21 child for him to be physically examined and
22 report to the place and I sued the ACS of
23 not protecting my child and I sued them
24 because they did negligence to my son and
25 they did not put my ex-husband under

1 ZENG

2 arrest.

3 Q. When did that incident happen
4 that involved the supervision that you're
5 asserting against ACS?

6 A. I am suing on two incidents.
7 One is on December 23, 2016 and the other
8 incident happened on May 3, 2017.

9 Q. Detective Febus, who was
10 present in the room, can you describe that
11 officer?

12 A. She is white, around forty
13 something and is medium built.

14 Q. During your conversation in the
15 room, did anyone, in particular, Diego, the
16 CPS officer, tell you why your son had been
17 taken from school that day?

18 A. They didn't tell me why. I
19 keep on telling them in the squad that my
20 son has an appointment on that day at 2:00
21 p.m., he has to undergo a PPD test, because
22 he has coughing for long time and he should
23 undergo the test to attend school. And I
24 also tell the people that my son has
25 allergy against peanuts and seafood.

1 ZENG

2 MR. MEYERSON: Off the record.

3 (Whereupon, an off-the-record
4 discussion was held.)

5 Q. And when you told the people in
6 the room that your son needed to go to a
7 doctor appointment, what was the response
8 that was given to that?

9 A. They disregard my question.

10 Q. And at some point, did any of
11 the police officers tell you that you were
12 being placed under arrest?

13 A. No.

14 Q. Were you allowed to leave after
15 the interview in the room?

16 A. No.

17 Q. What did they do after you had
18 the discussion with these officers?

19 A. After the discussion they took
20 away my cellular phone, they took away my
21 bag and my scarf.

22 Q. Did they tell you that you were
23 being arrested?

24 A. No.

25 Q. Did they tell you that you were

1 ZENG

2 being detained?

3 A. No.

4 Q. And what did they do next?

5 A. They locked me up in the room.

6 Q. When you say they locked you up
7 in the room, did everyone leave and the
8 door was locked or something else?

9 A. They put me by myself inside
10 the room and they locked the room and that
11 means I can't go out in the bathroom and
12 they had someone outside the door.

13 Q. Did they tell you that your son
14 was being detained by ACS?

15 A. No.

16 Q. Did you ever see your son that
17 day when you went to the Queens Boulevard
18 location?

19 A. No.

20 Q. At some point were you taken
21 from the locked room?

22 A. Yes.

23 Q. And how was that done?

24 A. They locked me up with cuffs
25 behind my back and then Febus and the

1 ZENG

2 female officer took me away and delivered
3 me to the 75th Precinct.

4 Q. When that was done, did any of
5 the officers or the CPS officer tell you
6 why they were taking you to the precinct?

7 A. No.

8 Q. Did you ask them why they were
9 detaining you?

10 A. Yes, I asked.

11 Q. How did they respond?

12 A. They did not answer me.

13 Q. At the precinct, the 75th
14 Precinct, were you put into a holding area
15 where the cuffs were removed?

16 A. Initially they put me into a
17 room. I was by myself and then they took
18 me to the basement where the cell is with
19 the other arrested people.

20 Q. Besides your cellular phone and
21 the bag, was anything else taken from you?

22 A. My belongings inside my pocket.

23 Q. Did you ever get that property
24 back?

25 A. Yes. After I was released in

1 ZENG

2 February 1st.

3 Q. While you were at the precinct,
4 did they do any processing? Did they take
5 your picture, your fingerprints, things
6 like that?

7 A. Yes.

8 Q. At some point, were you taken
9 to Central Booking at another location?

10 A. I don't understand. What is
11 Central Booking?

12 Q. At some point, were you taken
13 to a different location from the precinct?

14 A. To criminal court in Brooklyn.

15 Q. About how long were you at the
16 75th Precinct before they took you to that
17 criminal court?

18 A. Twenty hours. Around twenty
19 hours.

20 Q. When you were taken to that
21 other location, were you again handcuffed
22 or manacled in some way?

23 A. Yes.

24 Q. Did you ever complain to anyone
25 about how you had been handcuffed or

1 ZENG

2 manacled?

3 A. I asked, but nobody answered
4 me.

5 Q. What did you ask? What was
6 your complaint?

7 A. I asked in simple English why
8 you arrest me and I also speak in Chinese
9 too.

10 Q. At some point while you were at
11 the criminal court, did you appear before a
12 judge?

13 A. Yes.

14 Q. Were you told of any charge at
15 that time?

16 A. I don't understand my charges,
17 but I understand a little bit that they
18 said that I called my husband, my
19 ex-husband, saying that will kill you or
20 something.

21 Q. And after you appeared before
22 the judge, were you then released or was
23 something else done?

24 A. Then they released me.

25 Q. When you appeared before the

1 ZENG

2 judge and you were released, that was on
3 February 1st. Is that correct?

4 A. Yes.

5 Q. During the time you were at the
6 criminal court, did they do any other
7 processing? Did they take iris scans?

8 A. I don't know.

9 Q. And you went back to court
10 concerning the charges after your release?

11 A. Yes.

12 Q. Approximately how many times
13 did you go back to court?

14 A. Eight times.

15 Q. What became of the charges?
16 Were they dismissed or something else?

17 A. They dismissed all the charges.

18 Q. Do you know when that happened?

19 A. December 3, 2018.

20 MR. MEYERSON: Off the record.

21 (Whereupon, an off-the-record
22 discussion was held.)

23 Q. So we are clear that appearance
24 on December 3rd of 2018 was for the last
25 charges that had been brought against you,

1 ZENG

2 if you know?

3 A. Right.

4 Q. And before that, the occasion
5 when you had gone to court, was the other
6 charge dismissed?

7 A. Right.

8 Q. So I am clear, besides the
9 charge that involved a claim of a threat to
10 your husband, do you recall any of the
11 other charges that were dismissed over the
12 course your appearance?

13 A. I don't know.

14 Q. Was your son in detention with
15 ACS for any period of time after the
16 incident starting on January 31st?

17 A. Yes, for some time.

18 Q. How long was your son in the
19 custody of ACS?

20 A. Three days.

21 Q. At any time while you were in
22 detention, that is from the time that they
23 first locked that door until you were
24 released after seeing the judge, did you
25 ever request any medical assistance?

1 ZENG

2 A. Yes.

3 Q. And what was your request for
4 medical assistance?

5 A. I have difficulty in breathing.

6 Q. Do you take medication for
7 that?

8 A. Yes. I have asthmas, I have to
9 use some inhaler.

10 Q. Is that a prescription inhaler?

11 A. Yes, it's prescribed by the
12 doctor.

13 Q. Did you have access to that
14 inhaler during detention?

15 A. No, I don't have that.

16 Q. While you were in detention,
17 during that time, did you have an asthma
18 attack?

19 A. I have difficulty in breathing.

20 Q. But my question is, while you
21 were in detention during those two days,
22 did you experience a problem with your
23 breathing that you would have needed to use
24 your inhaler?

25 A. I can't remember.

1 ZENG

2 Q. Who was it that you told you
3 had the breathing condition?

4 A. I told an officer, Febus and
5 Diego, and in the 75th Precinct I told the
6 officers over there. I can't remember
7 their names.

8 Q. How did any of those officers
9 respond to your question about your medical
10 condition?

11 A. They ignored me.

12 Q. After you were released after
13 seeing the judge, did you seek any medical
14 assistance as a result of being in
15 detention?

16 A. I want to go and see a doctor,
17 but the fact that my health insurance was
18 terminated, I cannot go.

19 Q. What was the reason you want to
20 go see a doctor?

21 A. Because I have a lot of anxiety
22 and I cannot sleep.

23 Q. During the time from when they
24 first locked that door until they took you
25 to the 75th Precinct, did any of the police

1 ZENG

2 officers hit, strike or touch you
3 inappropriately during that time?

4 A. They searched my body and very
5 violently they put my hands beside me and
6 handcuffed me.

7 Q. When you were searched, was
8 that a female officer who did the pat-down?

9 A. Yes.

10 Q. While you were at the 75th
11 Precinct until you were taken to the
12 criminal court, did any officer hit, strike
13 or touch you inappropriately?

14 A. No.

15 Q. While you were at the criminal
16 court, did any corrections officer hit,
17 strike or touch you inappropriately?

18 A. No.

19 Q. During the time that you were
20 in detention, did you have any problems
21 with anyone else who was under arrest? Did
22 you get into any fights with anyone?

23 A. No.

24 Q. And during the time you were in
25 detention, did any police officer or

1 ZENG

2 corrections officer use any offensive
3 language?

4 A. No.

5 Q. As a result of being arrested,
6 having to go to court, did you have any
7 out-of-pocket expense, things you had to
8 pay for or replace because of what
9 happened?

10 A. Repeat the question.

11 Q. As a result of what happened,
12 was there anything that you had to pay for
13 yourself because of being arrested,
14 anything like clothing that you had to
15 replace, anything involving your court
16 appearance, anything you can think of?

17 A. Because of the court case I
18 have to go to the court, so I cannot work.
19 I can't have time to look for work and I
20 have a lot of illness. I have to see the
21 doctor and some of the drugs I have to pay
22 for myself and I have to pay for
23 transportation to go to the court and to
24 see the doctor and to see the lawyer.

25 Q. About how much has that cost

1 ZENG

2 you? Approximation is okay.

3 A. I have not made a calculation
4 yet.

5 Q. You mentioned going to doctor,
6 so I am clear, were any of those
7 appearances involve treatment for any
8 injury that you had received as a result of
9 being arrested?

10 A. I have psychological hurt
11 because of the detention.

12 Q. That is what you had mentioned
13 earlier that you want treatment concerning
14 problems with things like anxiety and loss
15 of sleep. Is that correct?

16 A. Yes.

17 Q. Did you ever learn at any time
18 afterwards why your son was taken into
19 custody by ACS on that day?

20 A. ACS didn't tell me.

21 Q. Before this incident, had ACS
22 ever come to your home to do any interview
23 for information concerning your son?

24 A. Yes.

25 Q. About how many times have they

1 ZENG

2 come to your home in order to do those
3 sorts of inspection?

4 A. More than two times.

5 Q. What is the name of your son's
6 father?

7 A. G-A-N-G L-I-U.

8 Q. Do you know his address?

9 A. I don't know.

10 Q. Other than your son being taken
11 into custody for the period of time that
12 you mentioned, after this incident, had
13 your son been taken into custody by ACS
14 prior to this incident?

15 A. No.

16 Q. Other than filing this notice
17 of claim and with the exception of the
18 lawsuit that you brought against ACS, have
19 you ever filed a claim or lawsuit against
20 the City of New York?

21 A. Yes.

22 Q. And what was that for?

23 A. I sued NYCHA. I was
24 discriminated in the work place.

25 Correction. No, I did not bring lawsuit

1 ZENG

2 against the city.

3 MR. MEYERSON: Off the record.

4 (Whereupon, an off-the-record
5 discussion was held.)

6 Q. So we can clarify, when you
7 said you had brought a claim against the
8 NYCHA, that involved an administrative
9 claim within the department while you were
10 working for that city agency?

11 MR. MEYERSON: Have you filed a
12 lawsuit in court against the New York
13 City Housing Authority?

14 THE WITNESS: Yes.

15 MR. CORNISH: Off the record.

16 (Whereupon, an off-the-record
17 discussion was held.)

18 Q. We had a discussion off the
19 record and you do have a claim that has
20 been filed against NYCHA. Is that correct?

21 A. Yes.

22 Q. And the claim that you brought
23 against ACS, is that still pending?

24 A. It's still pending.

25 Q. This is a question that we

1 ZENG

2 always ask in these cases. Have you ever
3 been convicted of a crime or taken a
4 pleading or found guilty by a jury?

5 A. No.

6 Q. Have you ever been a recipient
7 of public assistance that is sometimes
8 referred to as welfare from the City of New
9 York? That does not include rental
10 assistance or food stamps.

11 A. Yes.

12 Q. And how long did you receive
13 benefits?

14 A. Two years.

15 MR. CORNISH: I have no other
16 questions. I request that
17 authorization be forwarded to the
18 comptroller's office for release of
19 arrest records, otherwise we are
20 done. Thank you.

21 (Whereupon, at 12:01 p.m., the
22 Examination of this witness was
23 concluded.)

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ZENG

D E C L A R A T I O N

I hereby certify that having been
first duly sworn to testify to the truth, I
gave the above testimony.

I FURTHER CERTIFY that the foregoing
transcript is a true and correct transcript
of the testimony given by me at the time
and place specified hereinbefore.

XIAMIN ZENG

Subscribed and sworn to before me
this ____ day of _____ 20____.

NOTARY PUBLIC

1 ZENG

2 E X H I B I T S

3

4 RESPONDENT'S EXHIBITS

5

6 EXHIBIT

EXHIBIT

7 LETTERS

DESCRIPTION

PAGE

8

9 (None)

10

11

12

I N D E X

13

14 EXAMINATION BY

PAGE

15 MR. CORNISH

3

16

17 INFORMATION AND/OR DOCUMENTS REQUESTED

18 INFORMATION AND/OR DOCUMENTS

PAGE

19

20 (None)

21

22

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25

1 ZENG
2 C E R T I F I C A T E
3

4 STATE OF NEW YORK)
5 COUNTY OF KINGS) : SS.:
6

7 I, GLORIA ANSELM, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or by marriage and that I
17 am in no way interested in the outcome of
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 10th day of March 2019.
21

22 *Gloria Anselm*

23 _____
24 GLORIA ANSELM
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